

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

ANN MARIE WEBER,

Defendant

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Criminal No. 04-36 Erie

MOTION TO CONTINUE SUPERVISED RELEASE REVOCATION HEARING

AND NOW comes the above-named Defendant, ANN MARIE MATHIS, by and through her attorney, Elliot J. Segel, Esquire, and respectfully requests that the hearing scheduled on the Government's Petition requesting that Defendant's supervised release ordered in this case be revoked be continued. In support thereof Defendant states the following:

1. The Defendant was sentenced in this case on September 23, 2005 to 8 months custody in the Federal Bureau of Prisons, to be followed by 3 years supervised release, with Defendant to follow various special conditions and terms of release.
2. Defendant was released from the custody of the Federal Bureau of Prison to begin serving her period of supervised release in Erie, PA. on or about June 23, 2006.
3. In the latter part of December, 2006, United States Probation Officer David Conde informed Defendant that his office was going to file a Petition with this Court to seek revocation of Defendant's supervised release based upon allegations that Defendant violated conditions of her release.
4. Mr. Conde further informed Defendant that a hearing on the aforesaid Petition was scheduled with this Court for January 16, 2006.
5. Ms. Weber hired undersigned counsel to represent her in this matter during the last week of December, 2006.

6. Counsel shortly thereafter called Mr. Conde, and as a result, Mr. Conde provided counsel on January 5, 2006 with documentation regarding Defendant's September 23, 2005 sentencing in this case and the pending Petition seeking revocation of her supervised release.

7. Counsel was not able to meet with Defendant until yesterday due to exigent circumstances, including the fact that Defendant was hospitalized at Saint Vincent Hospital Mental Health facility in the first week of January due to a suicide attempt.

8. After reviewing all of the material provided by Conde, which counsel has only had for a week, and after discussing this matter with Defendant yesterday, Counsel submits that he will not have sufficient time to prepare and present Defendant's case at the scheduled January 16, 2007 hearing. Generally, more time is needed to obtain documentation and interview potential witnesses. For example, Defendant has been under psychiatric and psychological care at Stairways Behavioral Health in Erie since her release from the custody of the Federal Bureau of Prisons. Counsel has obtained a signed authorization for release of treatment information from Defendant, and needs to gather and review the treatment records from Stairways and Saint Vincent Mental Health for purposes of the pending revocation hearing in order to effectively represent her. It will be impossible to do all of this prior to January 16, 2007.

9. Given the above, counsel submits that he will need a minimum of thirty (30) more days to prepare for Defendant's hearing.

10. Counsel left telephone messages on this morning, January 12, 2007, about this Motion at both the Erie, United States Attorney's Office and the Erie, United States Probation Office. As of the filing of this Motion, counsel has not received a response.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court enter an Order continuing the January 16, 2007 revocation hearing in this matter for at least thirty (30) days.

Respectfully submitted,

S/Elliott J. Segel

ELLIOT J. SEGEL, ESQUIRE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion to Continue Supervised Release Revocation Hearing was delivered by electronic filing this 12th day of January, 2007, to the following:

Chris Trabold, Esquire
Assistant United States Attorney
Federal Court House
17 South Park Row, Room 330
Erie, Pennsylvania 16501

s/Elliott J. Segel
ELLIOT J. SEGEL, ESQUIRE
Counsel for Ann Marie Weber